





Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

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ecutive Agencies", section 2 of Executive Order No. 6228 of July 28, 1933, interpreting the said order of June 10, 1933, is hereby revoked insofar as it pertains to or affects the transfer of the Custer Battlefield National Cemetery in the State of Montana.

This order shall become effective on July 1, 1940.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
June 3 1940.

[No. 8428]

[F. R. Doc. 40-2232; Filed, June 4, 1940;  
11:40 a.m.]

## REORGANIZATION PLANS NOS. III, IV, V

The effectiveness of Reorganization Plan No. III which appeared in the June 4 issue of the *FEDERAL REGISTER* (5 F.R. 2107) has been postponed until June 30 by the passage of House Joint Resolution 551, signed by the President on June 4, 1940. The Joint Resolution also makes Reorganization Plans IV and V effective on June 30 and June 14, respectively.

## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Cotton 407]

##### PART 722—REGULATIONS PERTAINING TO COTTON MARKETING QUOTAS FOR THE 1940-1941 MARKETING YEAR

###### Supplement 2

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 31; 7 U.S.C. 1301 *et seq.*) as amended, I do make, prescribe, publish, and give public notice of the following amendment to the Regulations Pertaining to Cotton Marketing Quotas for the 1940-1941 Marketing Year (designated as Cotton 407), as issued by me on December 9, 1939, and amended on May 23, 1940:

(1) § 722.253 (d)<sup>1</sup> is hereby amended by deleting from item (8) thereof the word "gross" and inserting in lieu thereof the word "net."

Done at Washington, D. C., this 4th day of June 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,  
*Secretary of Agriculture.*

[F. R. Doc. 40-2230; Filed, June 4, 1940;  
11:13 a.m.]

### TITLE 19—CUSTOMS DUTIES

#### CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50162]

##### AIRPORTS OF ENTRY

###### CERTAIN AIRPORTS REDESIGNATED AS AIRPORTS OF ENTRY FOR A PERIOD OF ONE YEAR<sup>2</sup>

To Collectors of Customs and Others Concerned:

The following-named airports are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the

<sup>1</sup> 5 F.R. 1899.

<sup>2</sup> This document affects the tabulation in 19 CFR 4.13.

United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from the dates shown opposite their names:

Name	Location	Date of redesignation
John G. Hinde, Airport.	Sandusky, Ohio...	June 1, 1940.
Great Falls Municipal Airport.	Great Falls, Mont.	June 2, 1940.
Havre Municipal Airport.	Havre, Mont.	Do.
Spokane Municipal Airport (Felts Field).	Spokane, Wash.	Do.
Watertown Municipal Airport.	Watertown, N. Y.	Do.

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b)).

HERBERT E. GASTON,  
*Acting Secretary of the Treasury.*  
MAY 31, 1940.

[F. R. Doc. 40-2223; Filed, June 3, 1940;  
3:39 p.m.]

### TITLE 31—MONEY AND FINANCE: TREASURY

#### CHAPTER I—MONETARY OFFICES

##### PART 134—AMENDMENT TO GENERAL LICENSE NO. 4 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

General License No. 4<sup>1</sup> is hereby amended to read as follows:

"A general license is hereby granted authorizing the bona fide sale of securities on a national securities exchange by banking institutions within the United States for the account, and pursuant to the authorization, of nationals of Norway, Denmark, the Netherlands, Belgium or Luxembourg, and the making and receipt of payments, transfers of credit, and transfers of such securities which are necessary incidents of any such sale, provided that:

(a) the proceeds of the sale are credited to an account in the name of the national for whose account the sale was made and in the banking institution within the United States which held the securities for such national; and

(b) this general license shall not be deemed to authorize (1) the sale of any security registered or inscribed in the name of Norway, Denmark, the Netherlands, Belgium or Luxembourg, or any national thereof, irrespective of the fact that at any time (whether prior to, on, or subsequent to April 10, 1940) the registered or inscribed owner thereof may have, or appears to have, assigned, transferred or otherwise disposed of the se-

<sup>1</sup> 5 F.R. 1696.

surity; or (2) the sale of any securities not physically situated in the United States on June 1, 1940.

"Each banking institution making any sales herein authorized is required to file promptly with the appropriate Federal Reserve bank weekly reports showing the details of the transactions, including a description of the securities sold, the dates of sales, the persons for whose account the sales were made, and the prices obtained.

"This amendment of General License No. 4 shall not be deemed to prevent the completion on or prior to June 6, 1940 of purchases and sales, which were made prior to June 4, 1940 pursuant to General License No. 4, of securities other than securities registered or inscribed in the name of Norway, Denmark, the Netherlands, Belgium or Luxembourg, or any national thereof."

[SEAL] D. W. BELL,  
Acting Secretary of the Treasury.

JUNE 3, 1940.

[F. R. Doc. 40-2226; Filed, June 3, 1940;  
6:45 p. m.]

#### TITLE 36—PARKS AND FORESTS

##### CHAPTER I—NATIONAL PARK SERVICE

###### LASSEN VOLCANIC NATIONAL PARK AMENDMENT TO SUBSIDIARY REGULATIONS

Pursuant to the authority granted to the Secretary of the Interior by the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 3), and pursuant to the authority granted to the Director of the National Park Service by the Rules and Regulations issued thereunder (1 F.R. 672, 36 CFR, Chapter I, Part 2), paragraph (a) of the subsidiary regulations for Lassen Volcanic National Park, approved April 19, 1940 (5 F.R. 1584), is amended to read as follows, to become effective immediately:

**§ 20.11 Lassen Volcanic National Park—(a) Fishing; open season.** The fishing season shall be from May 30 to October 31, inclusive, except in special areas as follows:

(1) In Manzanita Creek, between Manzanita Lake and the powerhouse pipeline intake, the season shall be from July 1 to September 30, inclusive.

(2) In the following waters the season shall be from May 1 to October 31, inclusive:

Manzanita Lake.  
Reflection Lake.  
Hat Lake.  
Hat Creek.

\*Part 134; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; Regulations, April 10, 1940, as amended May 10, 1940.

Summit Lake.  
Echo Lake.

Approved, MAY 24, 1940.

[SEAL] ARNO B. CAMMERER,  
Director, National Park Service.

[F. R. Doc. 40-2227; Filed, June 4, 1940;  
9:14 a. m.]

#### Notices

#### TREASURY DEPARTMENT.

##### Monetary Offices.

###### GENERAL RULING NO. 3 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

The attention of banks, brokers, transfer agents, registrars and all other persons and banking institutions in the United States is invited to the fact that the Treasury Department construes Executive Order No. 8389,<sup>1</sup> April 10, 1940, as amended, and the Regulations issued pursuant thereto as prohibiting the acquisition, transfer, disposition, transportation, importation, exportation, or withdrawal of, or the endorsement or guarantee of signatures on, or otherwise dealing in, or with respect to, any security (or evidence thereof) registered or inscribed in the name of Norway, Denmark, the Netherlands, Belgium or Luxembourg or any national thereof, except pursuant to a specific license, irrespective of the fact that at any time (either prior to, on, or subsequent to April 10, 1940) the registered or inscribed owner thereof may have, or appears to have, assigned, transferred or otherwise disposed of any such security. Applications for licenses should be made in the manner provided in the Regulations issued under the Executive Order of April 10, 1940, as amended.

[SEAL] D. W. BELL,  
Acting Secretary.

Dated, June 3, 1940.

[F. R. Doc. 40-2224; Filed, June 3, 1940;  
6:44 p. m.]

###### GENERAL RULING NO. 4 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

Except as otherwise specifically indicated, all definitions appearing in Executive Order No. 8389,<sup>1</sup> of April 10, 1940, as amended, and the Regulations issued thereunder, shall apply to the terms employed in all rulings, licenses, instruc-

tions, etc., issued pursuant to such Executive Order and Regulations.

D. W. BELL,  
Acting Secretary.

Dated, June 3, 1940.

[F. R. Doc. 40-2225; Filed, June 3, 1940;  
6:44 p. m.]

#### DEPARTMENT OF AGRICULTURE.

##### Federal Surplus Commodities Corporation.

###### SURPLUS COMMODITIES BULLETIN NO. 6 Effective: June 10 to June 30, 1940, Inclusive

During the period beginning 12:01 a. m., E. S. T., June 10, 1940, and ending midnight June 30, 1940, the agricultural commodities and products hereafter listed are hereby designated as surplus foods.

Subject to the applicable regulations and conditions the following surplus foods may be exchanged for blue surplus food order stamps in any eligible retail food store participating in the food stamp program in all designated stamp plan areas:

Butter	Dried Prunes
Raisins	Fresh Oranges
Rice	Hominy Grits
Pork Lard	Wheat Flour and Pork <sup>1</sup>
Corn Meal	Whole Wheat (Graham) Flour
Shell Eggs	Dry Edible Beans

In addition to the above and subject to the applicable regulations and conditions and in accordance with the geographical restrictions indicated, the following surplus foods may be exchanged for blue surplus food order stamps in any eligible retail food store participating in the food stamp program:

*Fresh Cabbage, Fresh Carrots, Fresh Spinach, Fresh Beets and Fresh Snap Beans* in all designated stamp plan areas in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

*Fresh Peas and Fresh Spinach* in all designated stamp plan areas in the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin and Kentucky.

*Fresh Cabbage and Fresh Peas* in all designated stamp plan areas in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia and in the District of Columbia.

*Fresh Cabbage and Fresh Carrots* in all designated stamp plan areas in the States

<sup>1</sup> Pork shall include all cuts, fresh, including chilled or frozen, pickled, salted, cured, or smoked, but not cooked or packed in metal or glass containers.

## FEDERAL REGISTER, Wednesday, June 5, 1940

of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee and Texas.

Effective midnight, E. S. T., June 9, 1940, Surplus Commodities Bulletin No. 5 is hereby canceled.

[CORPORATION FEDERAL SURPLUS COMMODITIES CORPORATION.  
SEAL] By MILO PERKINS.

JUNE 1, 1940.

Approved:

H. A. WALLACE,  
*Secretary of Agriculture.*

[F. R. Doc. 40-2222; Filed, June 3, 1940;  
3:19 p. m.]

Food and Drug Administration.

[FDC-7 (D)]

*Correction*

In the issue of the FEDERAL REGISTER for June 4, 1940, paragraph 6 of the Food and Drug Administration document appearing on page 2120 contains an erroneous percentage figure. The paragraph should read:

6. Average milk-fat content of product. The average milk-fat content of sweetened condensed milk on the retail market in the United States at this time is 8.32 percent. (R. 56-7, 67-8, 123, Gov't. Ex. No. 2)

## DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CANCELLATION OF A SPECIAL LEARNER CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that a Special Learner Certificate for the employment of learners issued to the Marshall Hosiery Mills, Incorporated, Benton, Kentucky, effective October 13, 1939, has been canceled as of the date of its issuance pursuant to action taken under Section 14 of the Fair Labor Standards Act of 1938, paragraph 4 of the Hosiery Industry Findings and Determination of August 24, 1939 (4 F.R. 3711), respecting the employment of learners at subminimum wage rates and Term 4 of the Special Certificate issued thereunder. Cancellation of said Special Learner Certificate has been ordered for violation of Term 4 of the Certificate.

This cancellation shall not become effective until after the expiration of the fifteen-day period after the date this Notice appears in the FEDERAL REGISTER during which time petitions for review may be filed under § 522.13 of said Regulations by any aggrieved person. If a petition for review is properly filed, the effective date of this cancellation shall be postponed unless and until

final action sustaining such cancellation is taken on such petition.

Signed at Washington, D. C., this 27th day of May 1940.

MERLE D. VINCENT,  
*Authorized Representative  
of the Administrator.*

[F. R. Doc. 40-2229; Filed, June 4, 1940;  
10:57 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 34-8, 52-3, 52-5, 52-9, 52-10]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION

[File No. 59-1]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION AND CHARLES TRUE ADAMS

SUPPLEMENTAL ORDER RELEASING JURISDICTION PURSUANT TO PUBLIC UTILITIES HOLDING COMPANY ACT OF 1935

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of May, A. D. 1940.

The Commission by its order entered herein on the 26th day of July, 1939, having reserved jurisdiction for the purpose of passing on the value at which the assets transferred to the new company, contemplated by the Plan of Reorganization of Utilities Power & Light Corporation will be entered on the books of said new company; amendments having been filed on May 11, 1940, and May 23, 1940, asking that the Commission approve setting up such assets on the books of said new company at figures set forth in said amendments; and

It now appearing to the Commission that the jurisdiction so reserved should be released without approval or disapproval of such values;

It is ordered, That the jurisdiction so reserved be, and it hereby is, released without approval or disapproval of such values and that the application represented by said amendments be, and it hereby is, dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 40-2233; Filed, June 4, 1940;  
11:44 a. m.]

[File No. 56-84]

IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE OF THE ESTATE OF UTILITIES POWER & LIGHT CORPORATION; INDIANAPOLIS POWER & LIGHT COMPANY; AND OGDEN CORPORATION

SUPPLEMENTAL ORDER PURSUANT TO PUBLIC UTILITIES HOLDING COMPANY ACT OF 1935

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C., on the 31st day of May, A. D. 1940.

The Commission having by its order entered herein on April 2, 1940 reserved jurisdiction to determine at a later date whether all or any part of the fees and expenses to be paid for legal services or with respect to titles by Indianapolis Power & Light Company and Charles True Adams, Trustee of the Estate of Utilities Power & Light Corporation, and/or Ogden Corporation, in connection with the sale of certain shares of preferred and common stock of Indianapolis Power & Light Company, are, or are not, reasonable; and

It appearing that said trustee and Indianapolis Power & Light Company entered into an agreement with respect to sharing said fees and expenses and that the amounts to be paid, pursuant to said agreement, by said trustee and/or Ogden Corporation are subject to approval by the District Court of the United States for the Northern District of Illinois, Eastern Division; and

The Commission having filed its supplemental opinion herein;

It is ordered, That such jurisdiction so reserved be and it hereby is released as to said trustee and Ogden Corporation; and

It is further ordered, That such jurisdiction so reserved be and it hereby is released as to said Indianapolis Power & Light Company to the extent of its proportion, as in said agreement provided, of such amounts as shall be used by said court as base amounts in determining the amounts that may be paid by the trustee and/or Ogden Corporation under said agreement.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 40-2234; Filed, June 4, 1940;  
11:44 a. m.]

[File No. 43-139]

IN THE MATTER OF OKLAHOMA POWER AND WATER COMPANY

ORDER CONCERNING EFFECTIVENESS OF DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of June, A. D. 1940.

Oklahoma Power and Water Company, a subsidiary of The Middle West Corporation, a registered holding company, having filed with this Commission a supplemental declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of ten 5% unsecured promissory notes aggregating \$512,000 in principal amount and maturing on August 1, 1940;

Public hearing thereon having been duly held after appropriate notice; the record in this matter having been duly

considered; and the Commission having filed its findings herein;

*It is ordered.* That such declaration be and become effective forthwith subject however, to the following conditions:

- That the proposed issue and sale of said notes shall be effected in substantial compliance with the terms and conditions of, and for the purposes represented by, said declaration as amended.

- That within ten days after the issue and sale of said notes, the declarant shall file with this Commission a Certificate of Notification that the issue and sale have been effected in accordance with, and for the purposes represented by, said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-2235; Filed, June 4, 1940;  
11:44 a. m.]

[File No. 59-8]

IN THE MATTER OF THE COMMONWEALTH & SOUTHERN CORPORATION AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER OF POSTPONEMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of June, A. D. 1940.

It appearing to the Commission that a hearing in the above-captioned matter pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 has been set for the tenth day of June, 1940 at 10:00 o'clock A. M., at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, NW., Washington, D. C.:

*It is ordered.* That such hearing be, and the same hereby is, postponed subject to the further order of the Commission. All interested parties or persons will govern themselves accordingly.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-2236; Filed, June 4, 1940;  
11:44 a. m.]

[File No. 1-1455]

IN THE MATTER OF APPLICATION OF NEW YORK STOCK EXCHANGE TO STRIKE FROM LISTING AND REGISTRATION 5% CUMULATIVE PREFERRED STOCK, \$100 PAR VALUE, OF CONNECTICUT RAILWAY AND LIGHTING COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of June, A. D. 1940.

The New York Stock Exchange having made application to the Commission, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, for permis-

sion to strike from listing and registration the 5% cumulative preferred stock, \$100 par value, of Connecticut Railway and Lighting Company:

A hearing having been held on said application, the trial examiner having filed his advisory report, the Commission having considered the record, together with the briefs filed, and having this day filed its findings of fact and opinion therein, and having due regard for the public interest and the protection of investors;

*It is ordered* That said application be and the same hereby is granted, effective at the close of business on July 3, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-2237; Filed, June 4, 1940;  
11:45 a. m.]

[File No. 70-71]

IN THE MATTER OF HUDSON RIVER POWER CORPORATION AND SYSTEM PROPERTIES, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of June, A. D. 1940.

Applications and declarations pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered.* That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on June 20, 1940, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered.* That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 15, 1940.

The matter concerned herewith is in regard to the following proposed series

of transactions by and between Hudson River Power Corporation and System Properties, Inc. which are subsidiaries of International Hydro-Electric System, a registered holding company.

It is proposed to transfer all of the assets of System Properties, Inc. to Hudson River Power Corporation in exchange for 40,426 shares of common stock of Hudson River Power Corporation (which shares will be authorized for the purpose) and the assumption by the latter company of all liabilities of the former. System Properties, Inc. will then be liquidated and dissolved and all of its assets as then constituted (consisting solely of the stock of Hudson River Power Corporation to be received in the above-mentioned exchange) will be transferred to International Hydro-Electric System, its sole stockholder, as a dividend in final liquidation. Hudson River Power Corporation then proposes to issue and sell at private sale \$8,000,000 First Mortgage Sinking Fund Bonds, 3½% Series, due 1958, and \$7,000,000 Second Mortgage Bonds, 4% Series, due 1962, secured respectively by a First Mortgage and a Second Mortgage on substantially all its fixed assets as then constituted. The price at which the new First Mortgage and Second Mortgage Bonds will be sold has not been determined upon. Proceeds from the sale of said new Bonds will be used by Hudson River Power Corporation for the retirement of the \$14,135,000 principal amount of First and Refunding 5% Sinking Fund Mortgage Bonds, due 1947, of International Paper Company and for the payment of \$333,000 principal amount 6% Refunding Mortgage Gold Bonds, due 1940 of Ticonderoga Pulp and Paper Company, which retirement will satisfy and discharge commitments, secured by mortgages, given by Hudson River Power Corporation to International Paper Company and others securing the payment of said bonds of International Paper Company. As a preliminary step to the aforementioned transactions it is proposed to change the 95,300 shares of common stock without par value of Hudson River Power Corporation (being all the shares of stock of said corporation authorized or outstanding) now having a declared or stated value of \$50 per share into the same number of shares of common stock having a par value of \$50 per share, without otherwise changing said shares and without changing the amounts at which they are carried on the books of the issuer or the holder thereof. Also, it is proposed that Hudson River Power Corporation and System Properties, Inc. will acquire certain electrical equipment which is situated on property owned by said companies and leased to International Paper Company.

Hudson River Power Corporation and System Properties, Inc. have designated sections 6 (a), 6 (b), 7, 9 (a) (1) and 9 (a) (2) of said Act, and Rules U-12B-1 (a), U-12C-1, U-12C-2, and U-12F-1

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of the Commission as applicable to the above transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-2238; Filed, June 4, 1940;  
11:45 a.m.]

[File No. 70-69]

**IN THE MATTER OF WASHINGTON RAILWAY  
AND ELECTRIC COMPANY**

**NOTICE OF AND ORDER FOR HEARING**

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of June, A. D. 1940.

An application or declaration pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered,* That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on June 20, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW, Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered,* That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 15, 1940.

The matter concerned herewith is in regard to a proposal by Washington Railway and Electric Company, a registered holding company and a subsidiary of The North American Company, also a registered holding company, to guarantee the proposed assumption by Capital Transit Company, a subsidiary of Washington Railway and Electric Company, of such of the outstanding 5% First Mortgage Bonds of The Anacostia and Potomac River Rail Road Company of Washington City D. C., in the principal amount of \$2,097,000, and of the 5% First Mortgage Bonds of City and Suburban Railway of Washington, in the principal amount of \$1,342,000, as may be deposited for amendment or modification pur-

suant to a certain Agreement to be entered into by the said Companies and The Riggs National Bank of Washington, D. C., National Metropolitan Bank of Washington, Safe Deposit and Trust Company of Baltimore and such holders of the bonds above mentioned as may deposit their bonds pursuant to such agreement.

It is stated that the bonds so proposed to be assumed by Capital Transit Company and guaranteed by Washington Railway and Electric Company are secured by liens upon properties formerly owned by The Anacostia and Potomac River Rail Road Company of Washington City, D. C., and by City and Suburban Railway Company of Washington, respectively, which properties, after the issuance of such bonds, were acquired by Washington Railway and Electric Company, and, subsequently, by Capital Transit Company, which latter Company presently owns such properties subject to said liens. Among the modifications of the bonds sought to be achieved in consideration of the assumption thereof by Capital Transit Company and the guarantee thereof by Washington Railway and Electric Company is the reduction of the interest rate thereon from 5% to 3 3/4% per annum. A further reason assigned for the proposal is the desire of Washington Railway and Electric Company and Capital Transit Company to effect a settlement of certain litigation presently pending in respect of said outstanding bonds, the extent of the lien securing the same and the relation of Washington Railway and Electric Company and Capital Transit Company thereto.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-2239; Filed, June 4, 1940;  
11:45 a.m.]

**UNITED STATES CIVIL SERVICE  
COMMISSION.**

**CONDITION OF THE APPORTIONMENT AT  
CLOSE OF BUSINESS FRIDAY, MAY 31,  
1940**

*Important.* Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears,

State	Number of positions to which entitled	Number of positions occupied
-------	---------------------------------------	------------------------------

**IN ARREARS**

1. Virgin Islands	9	0
2. Puerto Rico	658	46
3. Hawaii	157	17
4. Alaska	25	8
5. California	2,421	866
6. Texas	2,484	1,015
7. Louisiana	890	427
8. Michigan	2,065	1,006
9. Arizona	186	99
10. South Carolina	741	417
11. New Jersey	1,724	1,036
12. Mississippi	857	517
13. Alabama	1,129	686
14. Ohio	2,835	1,727
15. Arkansas	791	492
16. Georgia	1,240	789
17. Oklahoma	1,022	663
18. Kentucky	1,115	738
19. North Carolina	1,352	921
20. New Mexico	180	126
21. Tennessee	1,116	847
22. Illinois	3,254	2,583
23. Nevada	39	32
24. Wisconsin	1,233	1,047
25. Indiana	1,381	1,201
26. Connecticut	685	614
27. Idaho	190	175
28. Delaware	102	94
29. Florida	626	579
30. Oregon	407	385
31. Vermont	153	145
32. Wyoming	96	91
33. Montana	229	218
34. West Virginia	737	723
35. Maine	340	334
36. Massachusetts	1,812	1,801
37. Washington	667	665

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1939
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**QUOTA FILLED**

38. New Hampshire	198	198	11
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**IN EXCESS**

39. Missouri	1,548	1,556	-9
40. North Dakota	290	294	-32
41. Kansas	802	819	-45
42. Pennsylvania	4,108	4,208	+247
43. New York	5,369	5,580	+230
44. Rhode Island	293	305	-17
45. Colorado	442	470	+24
46. Utah	217	231	+15
47. Minnesota	1,093	1,181	-57
48. Iowa	1,054	1,166	-31
49. South Dakota	295	334	+39
50. Nebraska	588	721	+13
51. Virginia	1,033	2,056	+102
52. Maryland	696	2,103	+134
53. Dist. of Col.	208	8,859	-8,651

**GAINS**

By appointment	224
By transfer	20
By reinstatement	2
By correction	2
Total	248

**LOSSES**

By separation	77
By transfer	105

Total

182

Total appointments 53,211

**NOTE.**—Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 16,686.

By direction of the Commission.

[SEAL] L. A. MOYER,  
Executive Director and  
Chief Examiner.

[F. R. Doc. 40-2228; Filed, June 4, 1940;  
9:54 a.m.]